

REMARKS

These remarks are in response to the Office Action dated May 15, 2007. Applicant requests a three month extension of time in which to file this response. Authorization to charge the appropriate fees to Deposit Account No. 50-0951 is filed herewith.

At the time of the Office Action, claims 1-10 were pending in the application. In the Office Action, an objection was raised to the declaration. Claims 1-5 were rejected under 35 U.S.C. §102(b). Claims 6-10 were rejected under 35 U.S.C. §103(a). Claims 1-10 were provisionally rejected on the ground of non-statutory obviousness type double patenting. The objections and rejections are discussed in more detail below.

I. Oath/Declaration

The declaration was objected to as being defective because the Office Action stated that the declaration "does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all the information known to the person to be material to the patentability as defined in 37 C.F.R. §1.56." Applicant acknowledges the objection and will file a replacement declaration as soon as possible.

II. Claim Rejections Based on Art

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,635,684 to Mandeville ("Mandeville"). Claims 6-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mandeville in view of U.S. Patent No. 5,213,820 to Uhlemann et al. ("Uhlemann"). Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/562,503.

Claim Rejections under 35 U.S.C. §102(b)

Applicant respectfully traverses the rejections under 35 U.S.C. §102(b) and requests the Examiner to reconsider the lack of novelty objection in connection claims 1-5.

The present claims are concerned with a granulation process. Granulation processes belong to a very well known and specific technical field, in which starting solid seeds of a predetermined chemical substance are appropriately wetted by a growing liquid, generally made

of the same chemical substance, in order to progressively increase the size (diameter) of the starting seeds until granules of a predetermined size are obtained.

The particular process recited in the present claims is a fluid bed granulation process, that is, a process belonging to an even more specific, well known, technical field in which the seeds are made to grow and the granules are formed in fluid bed conditions. In other words, according to the claimed process, the granules are formed in a granulation fluid bed and the finished hot granules are then removed from such the granulation fluid bed (see present claim 1 lines 1-4).

On the contrary, the process disclosed in Mandeville is concerned with a totally different, if not opposite, technical field, in which caustic soda granules are formed according to the well known prilling technology. In this case, a plurality of liquid droplets are sprayed and made to fall by gravity through a prilling tower B (see for instance Mandeville, column 2, lines 45-46). According to Mandeville the granules (or prills) are simply formed by a drying process, for example by evaporation of the caustic soda solution in counter current with a dry air flow (see for instance Mandeville, column 2, lines 46-49). The formed granules are then collected and cooled (hardened, dehydrated) in two subsequent beds where they are kept in fluidized motion (see for instance Mandeville, column 2, line 50 to column 3, line 6).

From the above, it is clear and unambiguous that the process recited in the present claims and the process disclosed in Mandeville belong to different, unrelated, technical fields. These processes are also conceptually and technically dissimilar from one another. Mandeville does not relate to a fluid bed granulation process as required by the present claims. In this respect, the attention of the Examiner is drawn to the fact that the claimed features of the present fluid bed granulation process, wherein the finished hot granules are removed from the granulation fluid bed (where they are formed) and wherein fluidification air is made to flow through said granulation fluid bed, are totally missing from Mandeville.

The subject matter of present claim 1 is thus new in view of Mandeville.

Moreover, neither of the apparatuses taught by Mandeville or Uhlemann is suitable to carry out the process of present claim 4, and in particular neither is provided with means for feeding and distributing air to form and maintain a cooling bed and a granulation bed arranged in series with respect to said flow of air. Thus, independent claim 4 is also believed to be new in view of the cited prior art.

Similar arguments apply for dependent claims 2, 3 and 5.

Claim Rejections under 35 U.S.C. §103(a)

In consideration of the completely different technical field, Mandeville can also not be considered as a relevant document for assessing the non-obviousness of the processes according to present claim 1 and 4, as well as the apparatus according to present claim 6-10. Applicant thus traverses the obviousness rejections 35 U.S.C. §103(a).

In particular, Mandeville is clearly silent and not concerned with the technical problem of the present invention (see description, page 3, lines 15-22), which is to conceive and make available a fluid bed granulation process (and apparatus) having functional characteristics in order to substantially reduce, with respect to the prior art, the total energy consumption necessary to keep the granulation fluid bed at a predetermined temperature which ensures the optimal completion of such a granulation process. The claimed solution to this problem is neither taught nor suggested by Mandeville for the reasons set forth above.

The claimed solution to the problem is also not disclosed nor suggested by Uhlemann. With respect to the claimed apparatus, it is noted that none of the features recited in the characterizing portion of claim 6 can be found in Uhlemann. In this prior art document a zigzag classifier module is positioned below a fluidized bed 4 (see figures 1 and 2). Such a classifier module, however, has nothing to do and cannot be compared or confused with the claimed perforated base plate intended for supporting a cooling fluid bed of hot finished granules.

Thus, the subject-matter of independent claims 1, 4 and 6 is considered to be non-obvious over the cited prior art.

The above arguments also apply to claims 2-5 and 7-10.

III. Double Patenting

Claims 1-10 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/562,503. A terminal disclaimer is filed herewith to overcome this rejection. The Commissioner is hereby authorized to charge the terminal disclaimer fee to Deposit Account No. 50-0951.

IV. Conclusion

For the foregoing reasons, all claims are believed to relate to patentable subject matter, and to be in condition for allowance. Prompt issuance of a Notice of Allowance is thus

respectfully requested.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Date: _____

11/15/07

Respectfully submitted,



Mark D. Passler
Registration No. 40,764
Sarah E. Smith
Registration No. 50,488
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000